

OUTLINE FOR BYLAW PROVISIONS RELATING TO USE OF COMMITMENTS IN REZONING CASES

The APC will not consider any commitments which have not been previously reviewed by and included in the report of the APC staff. To ensure that the APC staff has adequate time to review and report on any commitment, that commitment must be presented to the APC staff at least 30 days in advance of the APC meeting at which the commitment is to be voted upon.

Any proposed commitment shall be submitted by the APC staff to the appropriate administrative officer for review and comment prior to consideration of the proposed commitment by the APC, and all comments received from that administrative officer shall be presented to the APC prior to any vote by the APC to allow the commitment.

APC shall request that each legislative body adopt a rule that the legislative body will not consider any commitment which has not been previously approved by the APC.

If a commitment is allowed by the APC in connection with a proposed rezone petition, that commitment becomes a part of the rezone petition going forward. When such rezone petition is then considered by the legislative body it is considered subject to that commitment.

A commitment shall not be considered by the APC unless it is in writing and in a form approved by the APC. A proposed commitment shall be signed and notarized when it is considered by the APC.

A commitment which is a part of a rezone petition which is adopted by a legislative body shall be recorded in the office of the Recorder of Tippecanoe County, Indiana. The failure to record a commitment within 30 days after the rezone is approved by the legislative body shall be subject to UZO section 6-3-1(d) relating to the imposition of fines and liability for attorney fees.

No improvement location permit shall be issued for any property which has been rezoned subject to a commitment until that commitment is recorded in the office of the Recorder of Tippecanoe County, Indiana.

A commitment can only be modified at a public hearing by a decision of the APC conducted in accordance with the rules of the APC.

A proposed commitment shall contain only subject matter for which the appropriate administrative/enforcement officer can readily determine compliance or violation.

The APC shall only allow commitments in the following areas:

Allowable Commitments

- ☐ Limitations on uses which would otherwise be allowed by the Permitted Use Table
- ☐ Limitations on accessory uses which would otherwise be allowed
- ☐ Increases in minimum lot area
- ☐ Increases in minimum lot width
- ☐ Increases in minimum vegetative cover
- ☐ Reductions in maximum lot building coverage
- ☐ Reductions in maximum building height
- ☐ Increases in front, rear, and side setbacks
- ☐ Increases in minimum living area
- ☐ Increases in minimum number of parking spaces
- ☐ Increases in minimum maneuvering aisle width
- ☐ Reduction in allowed number signs
- ☐ Reduction in allowed signage area
- ☐ Limitations on permitted sign characteristics
- ☐ Increases in minimum bufferyard width
- ☐ Increases in minimum bufferyard plant units
- ☐ Reduction in allowable glare, vibration, and noise limits

Key Number _____
State Identification Number _____

COMMITMENT

Commitment made on _____, 20____, by _____
(the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment as the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as _____ and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

or

1. Petitioner makes this commitment with the knowledge and consent of _____ who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as _____ and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from _____ to _____ which request is pending before the APC as case no. _____.

3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. _____:

4. Petitioner understands and agrees that this commitment is given to the APC and the _____ (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. _____. Petitioner further understands and agrees that the approval of the rezoning request in case no. _____ by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. _____

7. This commitment shall automatically terminate upon the occurrence of either of the following: (i) a change in the zoning classification of the Real Estate, or (ii) a change in the land use to which this commitment relates.

By: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, the undersigned, a notary public, personally appeared _____, and acknowledged the execution of the foregoing commitment on _____, 20____.

_____, notary public
Resident of _____ County

My commission expires:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. _____

This instrument prepared by: _____